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Denver Adopts Group Living Text Amendment

February 2021 • [Lindsay Lyda](#)

On February 8, 2021, Denver City Council adopted a set of text amendments to the Denver Zoning Code known as the “Group Living Text Amendment.” The Amendment is an overhaul to the Zoning Code’s regulation of residential uses, which aims to update what many view as outdated regulations that have contributed to inequity, limited housing options, violated the federal Fair Housing Act, and reinforced historical division in Denver. Most notably, the Amendment increases the number of unrelated adults that are permitted to live in a single dwelling. The increase brings Denver more in line with neighboring communities like Parker and Lakewood, both of which limit the number of unrelated adults that may live together to five.

Prior to the approval of the Group Living Text Amendment, the Denver Zoning Code regulated residential uses as either Household Living or Group Living. Household Living uses only permitted two unrelated adults to live together in a single-family house and four unrelated adults to live together in a multi-unit dwelling. Group Living was further regulated by the type of service the facility provided, with special permitting procedures for various forms of group residential facilities. Among other issues, these restrictions made it difficult for individuals to find affordable housing options—for example, a group of three roommates would likely be residing together in violation of the Denver Zoning Code—and for group living facilities to operate in residential neighborhoods throughout Denver.

The Group Living Text Amendment updates definitions and regulations for the Household Living use category, allowing up to five unrelated adults to live together in

any dwelling unit. There is no restriction on the number of related adults permitted to live together in a single dwelling unit. The Group Living Text Amendment also revamps the specific use types previously allowed under the Group Living use category. Now, all uses in the Group Living use category are categorized as either Residential Care or Congregate Living. Residential Care uses include shelters, community corrections facilities, and group living facilities that provide medical treatment, while Congregate Living uses address group living arrangements that do not involve the provision of care or supervision. Residential Care facilities are regulated by size – known as Type 1, Type 2, Type 3, and Type 4 – instead of the type of services provided at the facility. Residential Care uses are also now permitted in more zoning districts than under the prior iteration of the code. The broad categories ensure flexibility as the use categories evolve over the coming years. Multiple residential care uses may be combined in one location. The amendment also limits the number of small Congregate Living facilities in a given neighborhood. The Group Living Text Amendment also requires applicants to conduct a community meeting before applying for a permit for larger Residential Care facilities and halfway houses.

Allowing more than two unrelated adults to live in the same house will undoubtedly provide more affordable housing options in Denver, where young adults are especially affected by the city’s affordable housing challenges. Additionally, allowing residential care facilities to be located in more parts of Denver will provide additional locations for those in need of housing options. Although these are welcome changes to the city’s group living regulations, some of the changes continue to raise concerns under federal law and as a matter of fairness to people who either have to or choose to live in group settings. For example, the regulations’ limitations on the density of group homes in neighborhoods may have Fair Housing Act implications, and the city’s notice provisions for certain group living facilities may carry similar legal issues.

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